

UNITES STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
NORTHERN DIVISION

CASE NO. 00-6017-CIV-DIMITROULEAS

CHERL SEARS,)
)
Plaintiff,)
)
v.)
)
THE SCHOOL BOARD OF BROWARD)
COUNTY, FLORIDA,)
)
Defendant.)
_____)

FILED BY
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CLERK OF COURT
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
NORTHERN DIVISION
D.C.

DEFENDANT'S REMOVAL STATUS REPORT

Defendant, the SCHOOL BOARD OF BROWARD COUNTY, FLORIDA, through its counsel, Muller, Mintz, Kornreich, Caldwell, Casey, Crosland & Bramnick, P.A., files this Removal Status Report in compliance with the Notice of Court Practice In Removal Cases, filed March 7, 2000. Although, the information requested in the Court's Notice is contained in Defendant's Petition for Removal, filed January 5, 2000, it will be briefly restated herein for the convenience of the Court.

1. Plain Statement of the Nature of the Claim

This is a civil action in which the Plaintiff, Cherl Sears ("Plaintiff") seeks monetary damages in excess of \$15,000.00 and injunctive relief against the School Board of Broward County, Florida, ("School Board") for, inter alia, alleged violations of her rights under the Due Process and Equal Protection Clauses of the Fourteenth Amendment to the United States Constitution and Article I, Section 9 of the Florida Constitution. Plaintiff, a substitute teacher formerly employed by the School Board, asserts that she was deprived of a constitutionally protected property interest in continued employment when the School Board ceased utilizing her services as a substitute teacher and denied

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her application for a full time teaching position based, inter alia, upon information revealed in a statutorily mandated criminal background check. As relief, Plaintiff seeks an order requiring the School Board to employ her, monetary damages, lost wages and benefits, costs and attorney's fees. There are no counterclaims, cross-claims or third party claims in this action.

2. A Plain Statement of the Grounds for Removal and a Listing of All Parties

Plaintiff's action arises under the Constitution of the United States and is therefore proper for removal from the Circuit Court of the Seventeenth Judicial Circuit, Broward County, Florida, to this Court pursuant to 28 U.S.C. § 1441, as the case is now within the original jurisdiction of the Court. In this regard, 28 U.S.C. § 1331 [Federal Question] provides as follows:

The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.

The only parties to this action are the Plaintiff, Cheryl Sears and the Defendant, the School Board of Broward County, Florida.

3. Brief Statement Concerning Consent to Removal

The sole Defendant in this case, the School Board, has consented to removal of this action.

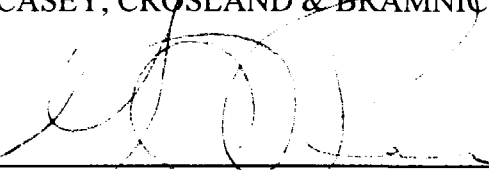
4. Statement Confirming Removal Within Thirty Days

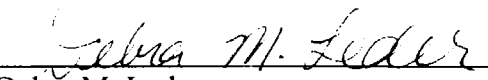
Defendant properly removed this action to this Court within thirty days after Plaintiff first asserted a claim for alleged violation of the Fourteenth Amendment to the United States Constitution. Plaintiff initially filed the instant action against the School Board in the Circuit Court of the Seventeenth Judicial Circuit in and for Broward County, Florida, on or about March 4, 1999, predicated exclusively upon the Florida Constitution and Florida Statutes. On April 16, 1999, Defendant filed a Motion to Dismiss with Incorporated Memorandum of Law. On November 18,

1999, the state court granted Defendant's Motion to Dismiss the Complaint. On or about December 7, 1999, Plaintiff filed her Amended Complaint in which she asserted, for the first time, alleged violations of the Fourteenth Amendment to the United States Constitution¹. Thereafter, Defendant filed its Petition for Removal with this Court on January 5, 2000, within thirty days after Plaintiff raised claims falling within this Court's federal question claims jurisdiction.

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CASEY, CROSLAND & BRAMNICK, P.A.

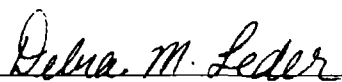
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Counsel for Defendant

¹ Plaintiff also filed a Motion for Leave to Amend the Amended Complaint on the same date. On December 21, 1999, the Court granted Plaintiff's Motion for Leave to Amend the Amended Complaint.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of this document has been furnished to Mark J. Berkowitz, Esquire, Mark J. Berkowitz, P.A., Counsel for Plaintiff, Suite 200N, 524 South Andrews Avenue, Fort Lauderdale, Florida 33301, by mail, this 15 day of March, 2000. I further certify that in accordance with the Notice of Court Practice In Removal Cases, filed by this Court on March 7, 2000, a true copy of that Notice has been served upon Plaintiff's counsel by mail on this date.


Debra M. Leder